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C O N F I D E N T I A L SECTION 01 OF 02 ADDIS ABABA 001436

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DEPARTMENT FOR AF/E AND DRL: SJOSEPH
LONDON, PARIS, ROME FOR AFRICA WATCHER

E.O. 12958: DECL: 05/09/2017
TAGS: [PHUM](#) [KJUS](#) [KDEM](#) [PGOV](#) [ET](#)
SUBJECT: ETHIOPIA: DEFENDANTS PONDER DEFENSE IN CUD TRIAL

REF: A. ADDIS ABABA 01104
[1](#)B. ADDIS ABABA 01420

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Classified By: Pol-Econ Counselor Kevin Sullivan
Reason 1.4 (d).

[1](#)1. (SBU) SUMMARY: The 49 remaining defendants in the case against opposition Coalition for Unity and Democracy (CUD) leaders, independent journalists and civil society representatives are now contemplating whether to defend their case. The group had previously indicated that they "do not recognize the court" and would not employ a defense, but they appear to be changing their minds. They have formally asked for time to review evidence and the bench's ruling, as well as to have the opportunity in prison to discuss the case with one another, before deciding whether to change their strategy and to defend. The two civil society members who have retained an attorney since the start of the trial, however, have nearly finished preparing their defense. END SUMMARY.

BENCH GIVES DEFENDANTS OPPORTUNITY TO PREPARE

[1](#)2. (SBU) The two trial sessions since the bench completed its ruling on the prosecution's case (ref A) have focused on addressing requests and complaints formally raised by the defendants. Lead judge Adil listed these issues during April 30 session: many defendants had submitted requests for a copy of the ruling before deciding whether to defend, as well as the right to meet with one another in prison to discuss their case; Daniel Bekele and Netsanet Demissie formally issued a complaint that they were having problems gathering all the necessary documents for their defense and requested that the bench give them more time and access to their offices to retrieve documents from computers; several defendants requested a copy of all prosecutions evidence. Other defendants told the court that they had tried to submit formal complaints, but were either unable to do so or unsure that their letters reached the registrar due to interference by the prison administration.

[1](#)3. (SBU) On May 2, the bench issued the following rulings on the outstanding requests filed by defendants:

- Copies of all video and audio cassettes should be made available to defendants in order to prepare a defense. The

prison administration was instructed play two videos per day for groups of defendants wishing to see these. Additionally, anyone who wishes a copy of the bench's ruling on the prosecution's evidence may have one, the bench announced.

- After they have viewed the videos, detainees will be allowed one half-day to meet with one another in prison. Lead prosecutor Shemelis objected to this, saying that the defendants who asked to meet are part of a conspiracy and should not be allowed to confer in prison. The bench overruled this objection.

-Defendants Daniel Bekele and Netsanet Demissie may gather evidence as they requested. Judge Adil ordered the prison administration to escort them to their offices to copy documents. Additionally, he ordered that the police administration should make the computers seized available to them to retrieve files. Shemelis also objected to this, saying that Daniel and Netsanet should not be allowed access to their work computers because they have access to the internet on them. The bench overruled this as well.

The next session was set for June 1, at which time it is expected that the bench will query defendants individually on whether or not they will present a defense.

COMMENT: TIME TO NEGOTIATE OR TO PREPARE?

14. (C) Though it is not certain why so much time is needed between sessions, current efforts underway by the Elders to secure release of the detainees (ref B) may have had some effect on the bench's rulings, extended adjournment and the CUD leadership's unusually relaxed demeanor in court in these sessions. Poloff, in discussions with family members and friends of detainees, was given mixed signals on the intentions of the CUD leadership. Some have said they are

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leaning towards presenting a defense, while others have said they will continue the current strategy of "denying legitimacy" of the court. The failure of the Elders process so far to yield a negotiated solution to the detention of CUD leaders may prompt the accused to change course and defend their case in court. Should they decide to mount a defense, Post will monitor whether the defendants are permitted appropriate access to evidence and legal counsel. Initial indications are encouraging on this score.
YAMAMOTO